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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,516	12/18/2000	Jody Western Lewis	US000345***	3122

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EXAMINER

TRUONG, LECHI

ART UNIT PAPER NUMBER

2194

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/739,516

Applicant(s)

LEWIS, JODY WESTERN

Examiner

LeChi Truong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6,7 and 10-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 and 13 is/are allowed.
- 6) ☒ Claim(s) 1-3,6,7, 10 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-3, 6-7, 10-13 are presented for the examination. Claims 4-5 and 8-9 are cancelled.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-3, 6-7, 10-12 are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter.

Claims 1, 6, 11, 12 are directed to method steps, which appear to be abstraction, therefore they are directed to non-statutory subject matter. Specifically, as claimed, it is uncertain what performs each of the claimed method steps. The claimed steps do not define the machine of computer implemented process and therefore, they are abstraction.

3. Claim 6 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as not being tangible because A pipeline software architecture claims do not require use of hardware computer to perform, and would not result in a practical application producing a useful, concrete, and tangible result to form the basis of statutory subject matter under 35 USC 101.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **1-3 and 6-7, 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Klausmeier et al (US. Patent 5,838,915) in view of Bubenick et al (US. Patent 5,933,429).

As to claim 1, Klausmeier teaches the invention substantially as claimed including: a data object (cells, col 5, ln 25-30/ ln 35-40), a software architecture using queues to organize the transfer of data from on processing object to another (col 2, ln 25-30), comprising step of:

storing queue indicator in a path object (the linked list comprising entries 750, 753, 756 and 756 not only identifies the blocks that store the calls associated with connection 0, col 5, ln 37-42/ store data indicating the connection of a cell, col 13, ln 9-13/ store the information with the cell, queue server 702 is configured to store the information in the entry in queue array 708 that corresponding to the block holding the cell, col 13, ln 52-55/ stores in the selected block resided in the linked list, along with the data element, a connection indicator that identifies the source connection, col 15, ln 53-60), a path object (entries in the linked list , col 5, ln 25-30/ ln 35-40/ the entry in queue array 708, col 13, ln 52-60/ the selected block resides in the linked list,

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col 15, ln 54-62), a path object corresponding to a respective data object (col 5, ln 35-40/ col 13 , ln 52-55/ col 5, ln 3-8).

identifying a queue corresponding to second processing data object depending on the indicator in the path object (col 15, ln 59-65 to col 16, ln 1-3).

Klausmeier does not explicitly teach receiving and processing a data object in a first of said processing objects, placing said data object in the queue identified. However, Bubenick teaches receiving and processing a data object in a first of said processing objects, placing said data object in the queue identified (processing data cell by comparing its own port number, link number and connection identification code of converted data cell in conjunction with 2-bit code in the echo field 68 of the output queue descriptor, this comparison is used to decide whether or not to enqueue the data cell arriving at a corresponding output queue 28, col 7, ln 9-16).

7. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Klausmeier et al and Bubenik because Bubenick's receiving and processing a data object in a first of said processing objects, placing said data object in the queue identified would improve the efficiency of Klausmeier's system by allowing each output queue to receive a unique set of cells from variety of sources, wherein the cells are transferred from multiple input queues to each output queue.

As to claim 2, Bubenik teaches identifying includes determining a result of said step processing (col 7, ln 9-16).

As to claim 3, Bubenik teaches determining a result of said step of processing and said queue corresponding to said result (col 7, ln 9-16).

As to claim 6, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above. In additional, Bubenik teaches first processing data object defining a process a result of which to insure that a first data object is placed in a queue of at least one of said second and third processing object responsively to one of said path object (col 7, ln 9-15).

As to claim 7, Bubenik teaches placed in a queue of said of said at least one of said second and third processing objects responsively to the processing object indicator in the at least one of said path objects (col 7, ln 9-15)

As to claim 12, it is an apparatus claim of claims 1, 4 and 5; therefore, it is rejected for the same reasons as claims 1,4 and 5 above. In additional, Bubenick teaches second queuing the data object (col 8, ln 50-55), responsive to the second queuing, processing data object with a second processing object is performed the same as the step of processing first data object (col 8, ln 10-15) in order to place the second data object the corresponding queue (28a-d).

5 Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klausmeier et al (US. Patent 5,838915) in view of Bubenick et al (US. Patent 5,933429), as applied to claim 1 above, and further in view of Nakamura (US. Patent 6,446,134 b1).

As to claim 10, Klausmeier and Bubenick do not teach a table of queue indicator. However, Nakamura teaches a table of queue indicator (a busy flag field 45 of the destination registration table 40, col 7, ln 20-25).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Klausmeier, Bubenick and Nakamure because Nakamure's

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a table of queue indicator would improve the flexibility of Klausmeier and Bubenick's systems by allowing the manager unit to notify about a fault information in the connection destination address.

Allowable Subject Matter

6. Claim 11 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claim 13 is allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (571) 272 3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomson, William can be reached on (571) 272 3718. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).


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LeChi Truong

April 13, 2006



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